

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 16, 2002

IN RE:

PETITION OF MCI WORLDCOM, INC.
TO ENFORCE INTERCONNECTION
AGREEMENT WITH BELL SOUTH
TELECOMMUNICATIONS, INC.

DOCKET NO.
99-00662

ORDER GRANTING JOINT PETITION FOR RECONSIDERATION AND AMENDING
SECOND INITIAL ORDER OF HEARING OFFICER

This matter is before the Hearing Officer of the Tennessee Regulatory Authority (the "Authority" or "TRA") upon the *Joint Petition for Reconsideration* (the "*Joint Petition*") filed by the parties in this matter on March 27, 2002.

The Joint Petition

On March 14, 2002, the Hearing Officer issued the *Second Initial Order of Hearing Officer* (the "*Second Initial Order*"), which addresses billing for reciprocal compensation pursuant to an Interconnection Agreement that is the subject of the *Complaint* filed by MCI Metro Access Communications, Inc. ("MCI") against BellSouth Telecommunications, Inc. ("BellSouth"). The ordering clauses of the *Second Initial Order* included the following:

2. Within twenty (20) days of the issuance of this Order, MCI shall submit to BellSouth a bill for payments for termination of ISP-bound traffic which has been withheld by BellSouth, such bill to be in compliance with the following restrictions:

...

e. The AMA billing shall be adjusted to exclude all calls not included in the Local Calling Area as defined in BellSouth's General Subscriber Services Tariff. Such calls include but are not limited to:

1. Calls originating from the Hernando, Mississippi rate center to the following NPA/NXX terminating numbers: 901-248, Memphis, Tennessee; 901-251, Memphis, Tennessee; 901-252, Memphis, Tennessee; 901-290, Arlington, Tennessee; 901-291, Memphis, Tennessee; and 901-860, Collierville, Tennessee.

2. Calls originating from the Michigan City, Mississippi rate center to the following NPA/NXX terminating numbers: 901-248, Memphis, Tennessee; 901-251, Memphis, Tennessee; 901-252, Memphis, Tennessee; 901-290, Arlington, Tennessee; 901-291, Memphis, Tennessee; and 901-860, Collierville, Tennessee.

3. Calls originating from the Mount Pleasant, Mississippi rate center to the following NPA/NXX terminating numbers: 901-248, Memphis, Tennessee; 901-251, Memphis, Tennessee; 901-252, Memphis, Tennessee; 901-290, Arlington, Tennessee; 901-291, Memphis, Tennessee; and 901-860, Collierville, Tennessee.

4. Calls originating from the Memphis, Mississippi and Hernando, Mississippi rate centers to the following NPA/NXX terminating numbers: 901-860, Collierville, Tennessee.¹

On March 27, 2002, MCI and BellSouth filed their *Joint Petition*, in which the parties question the inclusion of the calls enumerated in clauses 2.e.3 and 2.e.4, quoted above. The parties state that “[w]hile the order is correct as far as examples one and two are concerned, the conclusion reached for examples three and four are [sic] flawed.”² As grounds for this statement, the parties state:

The Order states that “MCI records these calls as part of its local calling area, but these calls are clearly interstate, not intrastate calls, and should be treated as such in all calculations of local minutes of use under the Agreement.” It appears that the fact that the various locations are in a different state – Mississippi – leads the Hearing Officer to conclude that these are interstate long distance calls and not properly included in connectivity billing for local and intraLATA toll calls under the MCI-BellSouth interconnection agreement. However, the area around Memphis designated as Local Access Transport Area (LATA) 468 includes geographic territory that encompasses locations and rate centers in northern Mississippi.³

The parties state that calls from the Mississippi locations of Memphis, Mississippi and Mt. Pleasant, Mississippi “are part of the Memphis Metropolitan Local Calling Area.”⁴ “[W]hile technically ‘interstate,’” according to the parties, such calls “are classified and treated by

¹ *Second Initial Order of Hearing Officer*, March 14, 2002, pp. 33-34.

² *Joint Petition for Reconsideration*, March 27, 2002, p. 1.

³ *Id.*, pp. 1-2.

⁴ *Id.*, p. 2.

BellSouth as 'local' calls within the Memphis Metropolitan Local Calling Area pursuant to the terms of the Tennessee tariff.”⁵

With regard to the calls listed in clauses 2.e.1 and 2.e.2, the situation is different. The parties state that calls from the Hernando, Mississippi and Michigan City, Mississippi rate centers “to locations in Tennessee that are inside *or* outside of the Memphis Metropolitan Local Calling Area, but within Memphis LATA 468, would be intraLATA toll calls and subject to connectivity billing at terminating switched access rates. Again, while technically ‘interstate,’ these calls are also intraLATA toll calls.”⁶ Thus, the parties do not request any alteration of the *Second Initial Order* as to clauses 2.e.1 and 2.e.2, because exclusion of the calls listed in those clauses is appropriate.

The parties state:

Thus, the key criteria to be applied in the determination of whether a call should be classified as local or interstate, intraLATA toll is whether or not the originating and terminating points are both within the Memphis Metropolitan Local Calling Area. We respectfully submit the following suggested language change in the order to reflect the proper classification of these types of calls:

~~“MCI records~~ These calls as are part correctly recorded by MCI as part of its local calling area, but so long as the originating and terminating points are both within the Memphis Metropolitan Local Calling Area. ~~these~~ Those calls that do not meet this criteria are clearly interstate intraLATA toll, not intrastate local calls, and should be treated as such in all calculations of local minutes of use under the Agreement.”⁷

Findings and Conclusions

Upon review of the parties’ *Joint Petition* and the representations of the parties therein, the Hearing Officer agrees with the parties’ position that the calls described in ordering clauses 2.e.3 and 2.e.4 on page 33 of the *Second Initial Order* should not be included in MCI’s calculation of the bill that MCI was ordered to submit to BellSouth. Inclusion of such calls

⁵ *Id.*

⁶ *Id.*, p. 3.

⁷ *Id.*

would be inconsistent with the principle that MCI should bill BellSouth for local calls at the appropriate rate. The Hearing Officer finds the parties suggested amendment of the *Second Initial Order* to be a necessary amendment of that Order. Therefore, the Hearing Officer grants the parties' *Joint Petition* and amends the *Second Initial Order* as stated below.

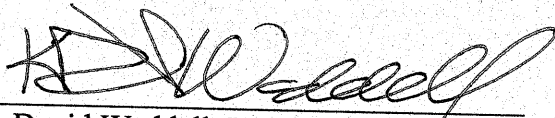
IT IS THEREFORE ORDERED THAT:

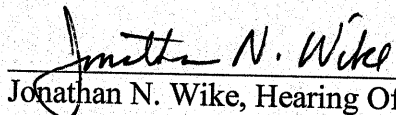
1. The *Joint Petition for Reconsideration*, filed by MCI and BellSouth on March 27, 2002, is granted.
2. The *Second Initial Order* is amended by replacing the first sentence of the final paragraph on page 29 with the following language:

These calls are correctly recorded by MCI as part of its local calling area, so long as the originating and terminating points are both within the Memphis Metropolitan Local Calling Area. Those calls that do not meet this criteria are clearly interstate intraLATA toll, not intrastate local calls, and should be treated as such in all calculations of local minutes of use under the Agreement.

3. The *Second Initial Order* is further amended by striking clauses 2.e.3 and 2.e.4 on page 34.

ATTEST:


K. David Waddell, Executive Secretary


Jonathan N. Wike, Hearing Officer